

Exhibit 77

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JACQUELINE SCOTT CORLEY, MAGISTRATE

IN RE: FACEBOOK, INC. CONSUMER) NO. 18-MD-02843 VC (JSC)
PRIVACY USER PROFILE LITIGATION,)

)

San Francisco, California
Tuesday, January 11, 2022

TRANSCRIPT OF PROCEEDINGS VIA ZOOM WEBINAR

APPEARANCES:

For Plaintiffs: KELLER ROHRBACK LLP
1201 Third Avenue, Suite 3200
Seattle, Washington 98101

BY: DEREK W. LOESER, ESQ.
CARI C. LAUFENBERG, ESQ.
DAVID J. KO, ESQ.

BLEICHMAR, FONTI & AULD LLP
555 12th Street, Suite 1600
Oakland, California 94607
BY: LESLEY E. WEAVER, ESQ.
ANNE K. DAVIS, ESQ.
MATTHEW P. MELAMED, ESQ.

For Defendant: GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
BY: ORIN SNYDER, ESQ.

(APPEARANCES CONTINUED ON FOLLOWING PAGE)

Reported by: Katherine Powell Sullivan, CSR #5812, CRR, RMR
Official Reporter - U.S. District Court

1 **APPEARANCES:** (via Zoom Webinar; continued)

2 For Defendant: **GIBSON, DUNN & CRUTCHER LLP**

3 1881 Page Mill Road

4 Palo Alto, California 94304

5 **BY: MARTIE KUTSCHER CLARK, ESQ.**

6 GIBSON, DUNN & CRUTCHER LLP

7 333 South Grand Avenue

8 Los Angeles, California 90071-3197

9 **BY: DEBORAH L. STEIN, ESQ.**

10 Also Present: Honorable Gail A. Andler

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1 already complied with Mr. Garrie's order. And we have
2 submitted information earlier this week about all of those data
3 sources. So I want to make sure the Court is aware of that.

4 **THE COURT:** So is it moot then, your appeal of that
5 portion of the order?

6 **MS. KUTSCHER CLARK:** Uhm, potentially, yes. But what
7 we're appealing is the holding that data that is not shared is
8 relevant and discoverable in the case, because Mr. Garrie did
9 not say, I'd like to further explore whether other data was
10 shared. What he said is the discoverable data is not limited
11 to data that was shared or made accessible, which --

12 **THE COURT:** As I read the briefs, though, the briefs
13 that were presented to Mr. Garrie, what plaintiffs' argument
14 was, was we don't disagree that the data shared, but as this
15 Court, as I ruled, that's sort of an open question as to what
16 was shared or made accessible.

17 So it really comes back, I think, to Ms. Stein's point
18 that the 30(b) (6) was the beginning and the end --

19 **MS. KUTSCHER CLARK:** Correct.

20 **THE COURT:** -- and plaintiffs get no more.

21 So let me hear from plaintiffs on that with respect to the
22 30(b) (6).

23 **MS. WEAVER:** Thank you, Your Honor. Good morning and
24 Happy New Year.

25 So I think that Your Honor has made many of the points

1 notwithstanding Facebook's earlier admonition at a hearing many
2 months ago that they would not appeal anything and they wanted
3 cost shifting for people who did appeal, here we are on motions
4 for reconsideration and appeals, and plaintiffs are still even
5 just waiting to get plaintiffs' dataset identified.

6 **THE COURT:** Okay. I'm just going to stop you there,
7 though.

8 **MS. WEAVER:** Yep.

9 **THE COURT:** They do have a right to appeal. And
10 Special Master Garrie responded and narrowed his orders in
11 response to their motions for reconsideration. So I don't
12 think you can make an argument that there was anything bad
13 faith about that at all because he responded to it.

14 The protocol or the order has a very limited time for
15 appeal. And they haven't appealed every order because I've
16 seen, there's lots of orders on the dockets and they haven't
17 appealed. And they haven't appealed every aspect of every
18 order.

19 And I think it would be unfair to say that you could --
20 you can never appeal. And should you do that, no one would
21 ever agree to a Special Master. So I just want to -- I
22 couldn't let that stand uncorrected. I don't think that's
23 fair.

24 Do you have a case management conference scheduled with
25 Judge Chhabria?